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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

LAWRENCE PATRICK MAGANA,

Defendant.

Case No. 2:17-cr-00228-KJD-NJK

**UNOPPOSED MOTION TO EXTEND
SELF-SURRENDER
DATE¹**

Defendant Lawrence Patrick Magana, by and through his attorney of record, LaRonda Martin, Assistant Federal Public Defender, moves this Court pursuant to 18 U.S.C. § 3143(a)(1) to extend Mr. Magana's self-surrender date to Friday, August 23, 2024, at noon. This motion is based on the following Memorandum of Points and Authorities.

DATED this 2nd day of May, 2024.

RENE L. VALLADARES
Federal Public Defender

/s/ *LaRonda Martin*

LARONDA MARTIN
Assistant Federal Public Defender
Attorney for Lawrence Patrick Magana

¹ This motion is timely filed as no deadline is applicable.

1 On January 24, 2024, this Court sentenced Mr. Magana to twelve (12) months and one (1) day
2 in custody, followed by three years on supervised release.² The Court further ordered Mr.
3 Magana to self-surrender to the BOP by May 24, 2024 before 12:00 p.m.³ Mr. Magana was
4 designated to serve his sentence at FMC Lexington.

On April 25, 2024, Mr. Magana presented to the emergency department with reports of severe right upper quadrant abdominal pain.⁴ He is a 66-year-old Caucasian male with pertinent medical history of A-fib, kidney stones, COPD, chronic kidney disease, and bradycardia.⁵ Mr. Magana was evaluated by Dr. Kabithe, a general surgeon, and he diagnosed him with acute cholecystitis.⁶ Because Mr. Magana has a history of strokes and is on Eliquis, the surgical team had to wait forty-eight (48) hours to perform the surgery.⁷ The surgery was conducted on April 26, 2024.⁸

12 Mr. Magana is requesting to extend his self-surrender date by 90-days to allow him to
13 obtain follow-up care and heal from the surgery.

Pursuant to 18 U.S.C. § 3143(a)(1):

[t]he judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence... be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c).

² ECF No. 214.

3 *Id.*

⁴ See Exhibit A.

5 *Id.*

6 *Id.*

7 Id.

8 Id

The continued application of any condition of supervision requires an individualized, fact-specific inquiry.⁹ Mr. Magana has been on pre-trial release since October 6, 2017.¹⁰ During that time, he has followed his conditions, attended all scheduled court hearings, and maintained good contact with his pre-trial officer. Mr. Magana has significant ties to his community. He resides with his nephew in Kentucky. He is also receiving his medical care in Hopkinsville, Kentucky.

For these reasons, the extension of Mr. Magana's self-surrender date will not create a flight risk, pose a risk to the public, or interfere with the goals of 18 U.S.C. §§ 3142 and 3143.

Undersigned counsel consulted with the government and pretrial release. The government has no objection to the defense's request to extend Mr. Magana's self-surrender date to ninety (90) days. The Office of Pretrial Release advised that pretrial services supervision was removed in December 2022 due to Mr. Magana's ongoing medical issues and therefore, their office has no position in the matter.

Mr. Magana respectfully requests the Court grant his unopposed motion to extend his self-surrender date to Friday, August 23, 2024, at noon.

DATED this 2nd day of May, 2024.

Respectfully submitted,
RENE L. VALLADARES
Federal Public Defender

By /s/ LaRonda Martin
LARONDA MARTIN
Assistant Federal Public Defender

⁹ *United States. v. Hir*, 517 F.3d 1081, 1092 (9th Cir. 2008).

10 ECF No. 11.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

LAWRENCE PATRICK MAGANA,

Defendant.

Case No. 2:17-cr-00228-KJD-NJK

ORDER

IT IS THEREFORE ORDERED that the surrender date currently scheduled for Tuesday, May 24, 2024 at 12:00 p.m., be vacated and continued to August 23, 2024 at the hour of 12:00 p.m. ; or to a time and date convenient to the court.

DATED this 9 day of May, 2024.



UNITED STATES DISTRICT JUDGE